

Local Form 4A

December 2017

IN THE UNITED STATES BANKRUPTCY COURT  
FOR THE WESTERN DISTRICT OF NORTH CAROLINA  
SHELBY DIVISION

In re: ) Case No. 18-40092  
Kenneth Emil Moore )  
Keisha Akin Moore )  
 ) Chapter 13  
 )  
TIN: XXX-XX-3023 )  
TIN: XXX-XX-2060 )  
Debtor(s) )

AMENDMENT TO CHAPTER 13 PLAN  
AND NOTICE OF OPPORTUNITY FOR HEARING ON CONFIRMATION OF THE PLAN  
FOR CASES FILED ON OR AFTER DECEMBER 1, 2017

Check if applicable to this plan amendment:

1.1	A limit on the amount of a secured claim that may result in a partial payment or no payment at all to the secured creditor (Part 3.2)	<input type="checkbox"/> Included	<input checked="" type="checkbox"/> Not Included
1.2	Avoidance of a judicial lien or nonpossessory, nonpurchase-money security interest (Part 3.4)	<input type="checkbox"/> Included	<input checked="" type="checkbox"/> Not Included
1.3	Request for termination of the 11 U.S.C. § 362 stay as to surrendered collateral (Part 3.5)	<input type="checkbox"/> Included	<input checked="" type="checkbox"/> Not Included
1.4	Request for assumption of executory contracts and/or unexpired leases (Part 6)	<input type="checkbox"/> Included	<input checked="" type="checkbox"/> Not Included
1.5	Nonstandard provisions	<input checked="" type="checkbox"/> Included	<input type="checkbox"/> Not Included

The Chapter 13 Plan, including certain motions and other provisions, is hereby **amended** as follows:

**VALUES AMENDED TO FULL TAX VALUE ON ALL REAL PROPERTY.**

Part 3: Treatment of Secured Claims

**3.1 Maintenance of payments and cure of default, if any. Conduit mortgage payments, if any, are included here.**

*Check one.*

- ☐ **None.** If "None" is checked, the rest of Part 3.1 need not be completed or reproduced.
- ☒ The Debtor will maintain the current contractual installment payments on the secured claims listed below, with any changes required by the applicable contract and noticed in conformity with any applicable rules. These payments will be disbursed by the Chapter 13 Trustee, directly by the Debtor, or as otherwise specified below. Any existing arrearage on a listed claim will be paid in full through disbursements by the Chapter 13 Trustee, with interest, if any, at the rate stated. If relief from the automatic stay is ordered as to any item of collateral listed in this paragraph, then, unless otherwise ordered by the Court, all payments under this paragraph as

to that collateral will cease, and all secured claims based on that collateral will no longer be treated by the Plan.

Name of creditor	Collateral	Value of Collateral	Current installment payment (including escrow)	Amount of arrearage (if any)	Interest rate on arrearage (if applicable)
Wells Fargo Home Mortg.	Residence - Equity Line	\$291,332.00	\$335.15	\$	%
			Disbursed by: <input type="checkbox"/> Trustee <input checked="" type="checkbox"/> Debtor <input type="checkbox"/> Other		

*Please explain any disbursements to be made by someone other than the Chapter 13 Trustee or the Debtor:*

**THE CLAIM OF WELLS FARGO HOME MORTGAGE IS PAID DIRECT AS IT IS INTEREST ONLY AND A VARIABLE RATE.**

**Part 8:**

**Nonstandard Plan Provisions**

**8.1.15 Other Non-Standard Provisions, including Special Terms:**

**LEASE WITH BRIXMOR/ 1A REGENCY PARK SC IS REJECTED.**

TAKE NOTICE: Your rights may be affected. You should read this amendment to the Chapter 13 Plan carefully and discuss them with your attorney, if you have one, in this bankruptcy case. If you do not have an attorney, you may wish to consult one.

If you do not want the Court to confirm the Debtor's proposed Plan as amended, or if you want the Court to consider your views on these matters, then you and/or your attorney must file a written objection to confirmation and request for hearing on confirmation at one of the following addresses:

**Cases filed in the Charlotte or Shelby Divisions:**

Physical & Mailing Address: Clerk, U.S. Bankruptcy Court, 401 West Trade Street, Room 111, Charlotte, N.C. 28202

**Cases filed in the Statesville Division:**

Physical Address: Clerk, U.S. Bankruptcy Court, 200 West Broad Street, Room 301, Statesville, N.C. 28677

Mailing Address: Clerk, U.S. Bankruptcy Court, 401 West Trade Street, Room 111, Charlotte, N.C. 28202

**Cases filed in the Asheville or Bryson City Divisions:**

Physical & Mailing Address: Clerk, U.S. Bankruptcy Court, 100 Otis Street, Room 112, Asheville, N.C. 28801-2611

Your objection to confirmation and request for hearing must include the specific reasons for your objection and must be filed with the Court no later than 21 days following the conclusion of the § 341 meeting of creditors, or within 21 days of service of the amendment, whichever is later. If you mail your objection to confirmation to the Court for filing, you must mail it early enough so that the Court will receive it on or before the deadline stated above. You must also serve a copy of your objection to confirmation on the Debtor at the address listed in the notice of the meeting of creditors. The Debtor's attorney and the Chapter 13 Trustee will be served electronically. If any objections to confirmation are filed with the Court, the objecting party will provide written notice of the date, time, and location of the hearing. **No hearing will be held unless an objection to confirmation is filed.**

If you or your attorney do not take these steps, the Court may decide that you do not oppose the proposed plan of the Debtor as amended and may enter an order confirming the amended plan and granting the motions. **Any creditor's failure to object to confirmation of the proposed plan as amended shall constitute the creditor's acceptance of the treatment of its claim as proposed pursuant to 11 U.S.C. § 1325(a)(5)(A).**

I declare under penalty of perjury that the information provided in this Amendment to Chapter 13 Plan is true and correct as to all matters set forth herein.

Dated 4/5/2018

Kenneth Emil Moore  
Debtor's Signature

Dated 4/5/2018

Keisha Akin Moore  
Debtor's Signature

I hereby certify that I have reviewed this document with the Debtor and that the Debtor has received a copy of this document.

Dated 4/5/2018

Robert H. Lutz  
Attorney for the Debtor

#### CERTIFICATE OF SERVICE

This is to certify that I have this day served each party or counsel of record indicated on the list attached hereto in the foregoing matter with a copy of this Amended Chapter 13 Plan by depositing in the United States mail a copy of same in a properly addressed envelope with first class postage thereon. Attorneys were served electronically.

This the 5TH day of April, 2018.

Robert H. Lutz  
Robert H. Lutz  
Lutz Law Firm, PLLC  
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Shelby, NC 28150  
N.C. State Bar No. 16375